REMARKS

In the foregoing Listing of Claims, Applicants cancel claims 2-4 and 13-24 and add method claims 25-27 to the application. Applicants respectfully request consideration and allowance of the inventions defined in claims 1 and 25-27 for at least the following reasons.

The Office Action mailed May 12, 2009 rejected claims 13-24 directed to a method of preventing or treating diseases caused by the formation of advanced glycation end products or aldose reductase activity under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In the foregoing Listing of Claims, Applicants cancel claims 13-24 and add new claims 25-27 to the application, which are directed to a method of inhibiting the formation of advanced glycation end products and aldose reductase activity which comprises administering to a human a composition which comprises anthocyanin and has activity of inhibiting advanced glycation end product formation and aldose reductase inhibiting activity. This language is enabled by the present specification disclosure within the meaning of 35 U.S.C. §112, first paragraph. See, for example, the Specification at page 1, lines 7-17; page 8, line 13 to page 9, line 12; page 10, line 5 to page 15, line 4; page 16, line 1 to page 18, line 7. Accordingly, Applicants respectfully submit that one of ordinary skill in the art would be enabled to make and use the inventions set forth in claims 25-27 within the meaning of the first paragraph of 35 U.S.C. §112. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

The Office Action rejected claims 1-4 and claims 13-24 under 35 U.S.C. §102(b) as being anticipated by Matsumoto (EP 1318201 A1). Regarding claims 13-24, the Office Action stated that Matsumoto discloses the use of anthocyanins in food and pharmaceuticals and the

prevention of a disease caused by the formation of advanced glycation end products would have been inherent in the uses disclosed by Matsumoto.

Applicants respectfully submit that composition claim 1 is patently distinguishable from the teachings of Matsumoto for the reasons set forth in the Amendment filed on February 5, 2009, which reasons are incorporated herein by reference. In the event the Examiner finds any of new method claims 25-27 allowable, Applicants will cancel claim 1.

In the foregoing Listing of Claims, Applicants cancel claims 13-24 and add new claims 25-27 directed to a method of inhibiting the formation of advanced glycation end products and of inhibiting aldose reductase activity. In new claims 25-27, both formation of advanced glycation end products and aldose reductase activity are inhibited. The teachings of Matsumoto do not remotely contemplate or suggest a method of inhibiting both formation of advanced glycation end products and aldose reductase activity by application of an anthocyanin containing composition, as required in the present claims.

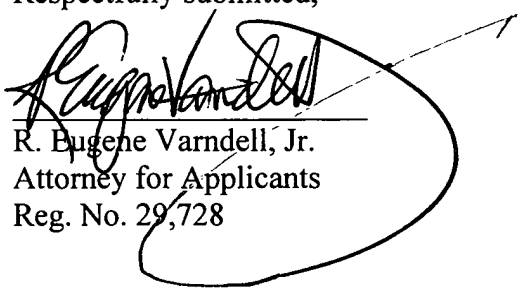
Matsumoto merely proposes a process for producing purified anthocyanin from anthocyanin derived from a natural product and a process for producing crystalline anthocyanin by further crystallizing purified anthocyanin. Matsumoto explains that "Conventionally, anthocyanin compositions for pharmaceuticals are mainly preparations derived from blueberry" (¶ 0007). Matsumoto does not disclose or suggest the activities or uses of anthocyanin required in the present claims; namely, an inhibitor of the formation of advanced glycation end products and an inhibitor of aldose reductase. A person skilled in the art can never predict or reasonably expect from the teachings of Matsumoto that anthocyanin has both the activity to inhibit the formation of advanced glycation end products and the activity to inhibit aldose reductase activity, as presently claimed.

The Office Action explains that Matsumoto teaches that when "these anthocyanins having pharmacological properties are used as pharmaceuticals and the like, highly purified ones are required" (¶ 0006). Matsumoto summarizes the difficulties to prepare anthocyanin compounds in paragraphs 0008-0012. Those skilled in the art understand these descriptions in Matsumoto merely to mean the following. Although the anthocyanins used for pharmaceuticals should be highly purified, such highly purified anthocyanins had not been produced in large amounts at the time of Matsumoto. The present inventors firstly produced highly purified anthocyanin in large amounts. Secondly, the activity to inhibit the formation of advanced glycation end products and the activity to inhibit aldose reductase of anthocyanin were firstly discovered by the present inventors. That is, the present inventors discovered a novel and nonobvious pharmacological activity of the presently claimed composition containing anthocyanin. Applicants respectfully submit that the present method claims defining the use of a composition comprising anthocyanin for inhibiting advanced glycation end product formation and for inhibiting aldose reductase activity are novel and nonobvious over the teachings of Matsumoto. Therefore, Applicants respectfully request that the examiner reconsider and withdrawal any and all rejections of the present claims over the teachings of Matsumoto.

Applicants believe that the foregoing is a complete and proper response to the Office Action mailed May 12, 2009. While it is believed that all pending claims in this application are in condition for allowance, if the Examiner has any comments or questions, Applicants invite the Examiner to telephone the undersigned at the below listed number to resolve any outstanding issues.

In the event this paper or the RCE filed on even date herewith is not timely filed, Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge the fee therefor, as well as any other fees which become due, to our Deposit Account No. 50-1147.

Respectfully submitted,



R. Eugene Varndell, Jr.
Attorney for Applicants
Reg. No. 29,728

Posz Law Group, PLC
12040 South Lakes Drive
Suite 101
Reston, VA 20191
Phone 703-707-9110
Customer No. 23400